

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**KIMBERLY FOSTER,**

**Plaintiff,**

**Case No. 03-75170**

**v.**

**HONORABLE DENISE PAGE HOOD**

**CITY OF DETROIT, et. al.,**

**Defendants.**

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation dated August 15, 2005. Neither Party has filed objections to this Report.

Magistrate Judge Whalen concluded that this claim is barred by the doctrine of res judicata. The Magistrate recommended this Court grant Defendants' Motion for Summary Judgment and dismiss Plaintiff's action, as to these Defendants.<sup>1</sup>

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge R. Steven Whalen, dated August 15, 2005, is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

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<sup>1</sup>This Motion for Summary Judgment was filed by Defendants City of Detroit, Wayne Little, Jade Tanguary, Delon Steen, Ronald Taylor, Bernadette Najor, Victoria Willis, Robert Johnson, David Newkirt and Romel Jamerson. Defendants County of Wayne and Wayne County Sheriff's Department are not named in the present motion and therefore are not dismissed.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment [**Docket No. 30, filed January 10, 2005**] is GRANTED.

IT IS FURTHER ORDERED that this matter is DISMISSED with prejudice as to the City of Detroit and all the named Detroit Police Department personnel.

s/ DENISE PAGE HOOD

DENISE PAGE HOOD

United States District Judge

DATED: September 27, 2005